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SENSITIVE
SIPDIS

DEPT PASS TO USTR-AGAMA AND GARDE; PTO FOR HICKEY; LOC FOR USCO
PPINHA; AID FOR GWEYNAND AND SLAWAETZ
TREASURY FOR PETERS, IERONIMO AND HALL
DOC FOR 3317/ITA/OTA/OA/BURRESS AND
3130/USFC/OIO/ANESA/HARRIS
DOJ FOR MKOUAME

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TAGS: [KIPR](#) [EINV](#) [ETRD](#) [ECON](#) [EAID](#) [NI](#)

SUBJECT: NIGERIA: CUSTOMS AND STANDARDS ORGANIZATION ENTHUSIASTIC
TO PROTECT IPR

REF: A. ABUJA 2177
[B.](#) ABUJA 2146
[C.](#) LAGOS 405
[D.](#) ABUJA 1364
[E.](#) ABUJA 1039
[F.](#) 07 ABUJA 2059

SENSITIVE BUT UNCLASSIFIED - NOT FOR DISTRO OUTSIDE USG.

[¶](#)1. (SBU) Summary. During the USG Intellectual Property Working Group (IPWG) October 27-28 visit to Abuja, Nigeria intellectual property rights officials expressed appreciation for USG technical assistance (TA). While enforcement remains weak, some agencies are enthusiastic to work with the USG to protect IPR. The GON's failure to adequately fund agencies has slowed progress. GON IPR officials agree that interagency cooperation and stakeholders buy-in is important to reducing IPR violations. The World Bank and European Commission are also providing support and are interested in working with the USG to improve coordination. This is the second of two reporting cables on the visit. End Summary.

[¶](#)2. (U) On October 27 and 28, 2008 the IPWG met with Nigerian IPR officials to discuss progress in protecting IPR. The framework for these ongoing discussions is the Trade and Investment Framework Agreement (TIFA) between Nigeria and the U.S. The IPWG was led by Tanuja Garde of the Office of the U.S. Trade Representative, and included Carrie LaCrosse of EEB/TPP/IPE and Tim Browning of the U.S. Patent and Trademark Office (USPTO). On October 27 the IPWG met with the Nigerian Copyright Commission (NCC) and the Trademarks, Patent and Designs Registry of the Nigerian Ministry of Commerce and Industry (reftel A). On October 28 the IPWG met with the Nigerian Customs Service (NCS), the Standards Organization of Nigeria (SON), the President of the Performing Musicians Employer's Association of Nigeria (PMAN), the Economic Section Chief of the European Commission and the Lead Economist for the World Bank in Nigeria.

Nigeria Customs Service Eager to Cooperate

[¶](#)3. (SBU) The U.S. IPWG met with NCS Comptroller General H. B. Ahmed. Ahmed acknowledged all the training assistance provided by the USG to support the NCS in improving IPR knowledge and awareness and requested more since NCS is eager to cooperate. He reported that the August 18-19 USG sponsored Optical Disk Workshop helped build a partnership between NCS and International Federation of the Phonographic Industry (IFPI) and that now IFPI will work with NCS on forensic investigations. He noted that Nigeria's new trade policy,

effective only in the last few months, empowers the NCS to seize counterfeit products and prosecute counterfeiters unlike in the past when the only counterfeit product recognized in Nigeria's trade policy was counterfeit coins. Ahmed stated that though the new trade policy has been released, customs will face challenges in implementing the policy, because his officers will require training in product identification and info from rights owners on distinguishing features of their products. NCS is organizing meetings with the private sector to discuss partnering on this training. Ahmed noted that NCS needs to devise a road map providing a vision for a way forward on IPR enforcement, and he welcomed the idea, proposed by the IPWG, that benchmarks should be included in such a road map.

¶4. (SBU) Despite progress in some areas, Ahmed lamented that his officers have few IPR enforcement skills and there is need to improve IPR awareness among the rank and file. NCS plans to expand the NCS IPR unit from 17 members, which are drawn from various NCS commands in the country. Following introductions by Econ Section at the USG sponsored IPR Workshop in June 2008, NCS met with British American Tobacco and Nokia and has established collaboration to improve identification of distinguishing features on their products to seize the counterfeits (reftel D). NCS also requested USG assistance in creating a records database for products in collaboration with the rights owners. This will assist in identifying genuine products and their imitations. Browning of PTO responded that he would investigate PTO possibilities to provide assistance. Of note was a comment by NCS Deputy Comptroller, Grace Adeyemo, that NCS's attention was first drawn to IPR issues at the July 2006 TIFA Council Meeting in Washington, and that it was DOS/INL-funded IPR training in 2007 that helped move the NCS to

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develop their specialized IPR Unit, which she now leads.

¶5. (SBU) Ahmed expressed his concern with the constant influx of counterfeit textile products imported from China and presented the IP WG with several confiscated samples to examine. He stated that the illegal smuggling of textiles into Nigeria has contributed to the almost total collapse of the Nigerian textile industry (reftel F). Ahmed underscored that NCS will energetically combat piracy and is optimistic that new prosecutorial powers granted in the updated trade policy will have a major effect in protecting IPR. NCS officials reported that cooperation between NCS and officials from the Economic and Financial Crimes Commission (EFCC) and National Police Force (NPFI) was good but cooperation with NCC was poor. NCS is considering organizing GON interagency policymaking on IPR since the NCC has been slow to respond. NCS reported that in June 2008 it intercepted three planes in Lagos that were carrying pirated CDs and turned over the investigation to the NCC, but is unaware of progress on prosecutions.

• Standards Organization of Nigeria

¶6. (SBU) Dr. John Akanya, Director General of the Standards Organization of Nigeria (SON) thanked the USG for including SON officials in IPR workshops in 2008 and noted that his staff have benefited from it. Akanya expressed interest in further involvement in USG technical assistance activities.

¶7. (SBU) Akanya complained about the constant influx of sub-standard products into Nigeria, especially from China. He reported that he recently held discussions with the Chinese Ambassador and underscored the negative effects of sub-standard Chinese imports into Nigeria, which have led to many deaths and injuries (particularly from poor electric wiring and equipment). Akanya hopes to sign a Memorandum of Understanding with the Chinese government in order to get Chinese cooperation.

¶8. (U) Sub-standard products are imported into Nigeria and local manufacturers also produce sub-standard products. In response SON requires product certification to ensure that products either produced locally or imported pass the required quality assurance tests before they are sold to consumers. For imports the Standards Organization of Nigeria Conformity Assessment Program (SONCAP)

certification was introduced and is administered on behalf of SON by Intertek of the United Kingdom. Intertek is responsible for certifying that the imports meet the quality assurance standard. Moreover, Mandatory Conformity Assessment Program (MANCAP) certification was introduced for domestic products to ensure that they meet the required quality assurance standards.

¶19. (SBU) When SON intercepts fake products it seizes them and then destroys them in public, and sometimes aired on national television.

Akanya highlighted that SON does not have the power to prosecute, but refers such cases to the office of the Attorney General for prosecution.

¶10. (SBU) Akanya emphasized that inter-agency collaboration remains the key to combating piracy and counterfeiting. He opined that if the NCS could do its job of policing Nigeria's border posts effectively there would be a significant reduction in the number of fake and sub-standard products entering Nigeria. In addition, he said that NCS needs more training and to expand public awareness efforts to explain that using fake products may kill, maim or injure people and destroy property.

• European Commission Not Focused on IPR

¶11. (SBU) Belen Calvo Uyarra, Head of the Political, Economic, Trade, Information, and Communication Section of the European Commission (EC) stated that slow progress has been recorded in negotiating the European Union Economic Partnership Agreement (EPA) with the Economic Community of West African States (ECOWAS). She attributed this to lack of experience among ECOWAS members; however, there seems to be an agreement between the EC and ECOWAS on the IPR component of the EPA. Uyarra reported that while the EC had tabled five IPR-related papers (Innovation, TRIPS, GIs, Enforcement, Capacity Building) there has been little progress in the IPR

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discussions. She commented that the EC has had some success in negotiating IPR in the EPAs, most notably in the Cariforum EPA IPR Chapter.

¶12. (SBU) Uyarra also noted that the EC plans to assist ECOWAS in IPR capacity building and public awareness. Regarding Nigeria, she mentioned that the EC is holding discussions with the National Planning Commission to define areas of cooperation. She confirmed that the EC assistance package for Nigeria is about Euro 570 million (\$719 million) including a Euro 60 million (\$75 million) trade and regional integration program, which would involve conducting a trade needs assessment for Nigeria, supporting Nigeria in implementing trade reforms agreed with ECOWAS, and supporting Nigeria in implementing the EPA. Uyarra concluded that it is important for donor agencies to coordinate their activities in order to achieve the set objectives and avoid waste of resources.

• World Bank Providing Limited Assistance

¶13. (SBU) Volker Treichel, Lead Economist for the World Bank in Nigeria, said the WB is spending nearly \$140 million on economic reforms and governance issues in Nigeria. Of that figure \$500,000 is going to the NCC for training, medium term strategy development, creating a web page and assisting with the IPR institute on copyrights. (Note: A U.S. citizen law student enrolled at Vanderbilt University is interning with NCC and working at the IPR Institute. End Note.) Treichel commented that so far cooperation has been good with NCC and the projects are on track. He said the medium term strategy has been completed by NCC, and expects the webpage to be ready by December 2008. Treichel noted that the WB has plans for a larger trade facilitation project and that the USG should contact Anca Dumitrescu at WB HQ in Washington to discuss possible linkages with USG assistance. (Note: In particular, the WB trade facilitation project in Nigeria has a strong customs focus, aimed at streamlining customs processing. Improved Nigerian customs capacity - increased computerization, training, and infrastructure - could serve two goals - speeding up the processing of legitimate goods, while improving their ability to stop the flow of

illegitimate goods. End Note.)

• Bottom Line - More Needs To Be Done

• ¶14. (SBU) Comment: USG-supported IPR training has led to more GON interagency cooperation and an increased IPR focus from GON agencies. Nonetheless, enforcement efforts and IPR public awareness are both woefully inadequate. The Mission is in the process of unveiling a public diplomacy IPR awareness campaign via public service announcements. Both the NCC and Registar's office have benefited from USG TA and the Mission has seen positive results at the Registrar's office with timelier processing and sharing of information. NCC has yet to show much progress, especially considering the large number of personnel that have participated in USG TA. Without effective enforcement and prosecution from the NCC, Nigeria will continue to maintain its status as a haven for IPR pirates. GON IPR agencies also need to improve on the enforcement of IPR to justify USG spending on IPR capacity building in Nigeria.
End Comment.

¶15. (U) The IPWG cleared on this message.

¶16. (U) This message was coordinated with ConGen Lagos.

SANDERS